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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,008	03/30/2005	Karl-Josef Becker	71720	7876

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EXAMINER

SWINEHART, EDWIN L

ART UNIT PAPER NUMBER

3617

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/530,008	BECKER, KARL-JOSEF	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ed Swinehart	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 4, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                                    |

### **DETAILED ACTION**

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the intake housing being aligned with the main direction of travel and the two-stage axial flow pump must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 9 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant claims a two stage pump arrangement, yet fails to disclose how such a multiple stage pump is incorporated within the propulsion unit.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3,5,6,8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tattersall in view of EP '443.

Tattersall disclose a propulsion unit having a propeller shaft angled as claimed, and with the inlet and outlet thereof arranged flush within the ship's bottom. Tattersall discusses movable outlets, yet fails to disclose the specifics thereof.

EP '443 teaches a movable outlet which includes a steering shaft, and the outlet itself being flush with the hull.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Tattersall with steering outlets as taught by EP '443.

Such a combination would have been desirable at the time of the invention so as to provide ease in steering.

Re "plate", such fails to define any specific structure and/or arrangement so as to define over the hull bottom.

Re "sections", such fails to define any specific structure and/or arrangement so as to define over the housing of Tattersall, as "section" does not positively recite separate interconnected elements, but merely "portions".

Re claim 6, the type of motor employed, be it an IC engine or electric motor, is considered to have been an obvious design consideration, well within the level of skill of the ordinary routineer working in the art at the time of the invention, and providing no unexpected results.

Such a modification would have been desirable at the time of the invention so as to provide clean quiet propulsion.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tattersall in view of EP '443 as applied to claim 1 above, and further in view of Kobayashi.

Tattersall fails to disclose a gearing arrangement as claimed.

Kobayashi teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to position the motor of Tattersall as taught by Kobayashi, such that is affixed to and supported by the propulsion unit.

Such a combination would have been desirable at the time of the invention so as to provide a more compact combination of motor and propulsion unit.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tattersall in view of EP '443 as applied to claim 1 above, and further in view of GB '033.

Tattersall fails to disclose a multiple stage pump.

GB '033 teaches such an arrangement.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ a two stage axial pump arrangement in Tattersall as taught by GB '033.

Such a combination would have been desirable at the time of the invention so as to provide improved efficiency.

8. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tattersall in view of EP '443 as applied to claim 1 above, and further in view of Winter.

Tattersall fails to disclose a variable pitch propeller.

Winter teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a variable pitch propeller arrangement to Tattersall as taught by Winter.

Such a combination would have been desirable at the time of the invention so as to provide increased efficiency and control.

9. Claims 11-13 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tattersall in view of EP '443 and Kobayashi.

These references are combined as above.

Tattersall further fails to disclose a housing provided with a bottom plate for installation in a hull.

Kobayashi provides a mounting plate **17** for the propulsion unit.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a mounting plate the to propulsion unit of Tattersall as taught by Kobayashi.

Such a combination would have been desirable at the time of the invention so as to provide ease in installation.

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tattersall in view of EP '443 and Kobayashi as applied to claim 11 above, and further in view of GB '033.

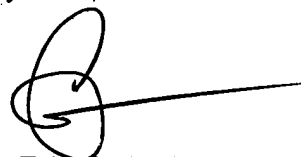
This reference is applied as above.

11. Claims 4,14 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ed Swinehart  
Primary Examiner  
Art Unit 3617